

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

JUAN HERIBERTO VAZQUEZ GONZALEZ
AND EUGENE DE JESUS SOTO
DEBTOR

CASE NO. 09-00112-ESL13

Chapter

DORAL BANK, AS SERVICING AGENT OF
DORAL FINANCIAL CORPORATION D/B/A
H.F. MORTGAGE BANKERS
MOVANT

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VS.

JUAN HERIBERTO VAZQUEZ GONZALEZ;
EUGENE DE JESUS SOTO AND JOSÉ
RAMON CARRION MORALES, TRUSTEE
RESPONDENTS

☒ of acts against property under
§362(d)(1) "CAUSE"

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

COMES DORAL BANK, ("Doral"), as servicing agent of Doral Financial Corporation D/B/A H.F. Mortgage Bankers, through its undersigned counsel, and very respectfully alleges, states and prays:

1. Jurisdiction is granted by 28 U.S.C. §1334 and by 28 U.S.C. §157, and this is an action pursuant to 11 U.S.C. §362 (d)(1).
2. On January 13, 2009, Debtor(s) filed a petition for relief under Chapter 13 of the Bankruptcy Code.
3. Doral is the holder in due course of a Mortgage Note in the principal sum of \$134,538.00 bearing interest at 6.00% per annum, due on October 1st, 2035.
4. On January 27, 2009, Doral filed a secured claim, with a proof of lien, in the amount of \$131,289.37 for loan number 7938, with pre-petition arrears of \$2,179.92, encumbering Debtors' residence.

5. Since the filing date, Debtor(s) account has accumulated post-petition arrears, including late charges and legal fees and costs totaling \$3,197.38 as stated in the attached verified statement entitling this Honorable Court to grant Doral relief from the automatic stay, pursuant to 11 U.S.C. §362 (d)(1).

6. Respondent is the duly-appointed Chapter 13 trustee.

7. As show from the attached certification, Debtors are not eligible for the protections of the Servicemen's Civil Relief Act of 2003.

WHEREFORE, it is respectfully requested that this Honorable Court enters an order granting Doral Relief from the Automatic Stay.

HEREBY CERTIFY that a copy of the *Motion Requesting Relief from the Automatic Stay* was electronically filed by Movant, Doral, using the CM/ECF System, which will send a notification to the Standing Chapter 13 Trustee and to the debtors' attorney. In addition, a copy of the *Motion Requesting Relief from the Automatic Stay* was sent by Movant, Doral, to the debtor(s) at the address of record.

In San Juan, Puerto Rico, on the 4th day of May 2011.

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